

VICTOR MANUEL TORRES

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Attorney for Defendant **JOSE JIMENEZ-PATINO**

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JANIS L. SANMARTINO)

UNITED STATES OF AMERICA,	)	Case No. 08CR2491-JLS
)	
Plaintiff,	)	DATE: SEPTEMBER 19, 2008
	)	TIME: 9:00 A.M.
vs.)	
	)	NOTICE OF MOTION & MOTION
JOSE JIMENEZ-PATINO,	)	FOR LEAVE TO FILE FURTHER
	)	MOTIONS
Defendant.)	
)	
)	

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY and
CHARLOTTE E. KAISER, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on September 19, 2008, at 9:00 a.m., or as soon thereafter as counsel may be heard, the Defendant, JOSE JIMENEZ-PATINO, by and through his counsel, Victor Manuel Torres, will move this court for an order granting the following motion:

MOTIONS

Defendant, JOSE JIMENEZ-PATINO, by and through his counsel Victor Manuel Torres, pursuant to the Federal Rules of Criminal Procedure and all other applicable

1 statutes and local rules moves the court for an order FOR LEAVE TO FILE FURTHER
2 MOTIONS.

3 This motion is based on the instant motion, the notice of motion, the statement of
4 facts, and the memorandum of points and authorities, the files and records in the above-
5 entitled cause, and any and all other information that may be brought to the court's
6 attention prior to or during the hearing of these motions.

7 DATED: 09/01/08

Respectfully submitted,

8 s/ VICTOR MANUEL TORRES

9 VICTOR MANUEL TORRES

10 Attorney for Mr. Jimenez
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Attorney for Defendant **JOSE JIMENEZ-PATINO**

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JANIS L. SANMARTINO)

UNITED STATES OF AMERICA,	)	Case No. 08CR2491-JLS
)	
Plaintiff,	)	MEMORANDUM OF POINTS &
	)	AUTHORITIES IN SUPPORT OF
vs.	)	DEFENDANT'S MOTION FOR
	)	LEAVE TO FILE FURTHER
JOSE JIMENEZ-PATINO,	)	MOTIONS
)	
Defendant.)	

I.

STATEMENT OF FACTS

This statement of facts and the facts discussed in the memorandum of points and authorities are strictly for the purpose of these motions and are not to be considered admissions by the defendant, Jose Jimenez-Patino. Mr. Jimenez expressly reserves the right to contradict, explain, amplify or otherwise discuss any of the facts mentioned here at trial or other proceedings.

1 According to the Probable Cause Statement attached to the initial Complaint in this
2 matter, on July 3, 2008, Border Patrol agents tracked footprints leading north from the
3 international border with Mexico. Utilizing the assistance of remote video surveillance the
4 agents found three people trying to hide. Further investigation revealed that one of the three
5 apprehended, Mr. Jimenez, was a citizen of Mexico without official authorization to enter,
6 reside or work in the U.S. It was later determined that Mr. Jimenez was previously
7 convicted of criminal conduct in the U.S. and had been previously deported.

8
9 To date, defense counsel has received approximately 81 pages of documentary
10 discovery and a DVD disc of Mr. Jimenez's interrogation.
11

12 II.

13 **MR. JIMENEZ REQUESTS LEAVE TO FILE FURTHER MOTIONS**

14 Mr. Jimenez requests leave to file further motions upon receipt of the items
15 specifically requested in the discovery motion filed concurrently herewith and not yet
16 provided by the government and as events and these proceedings warrant.
17

18 III.

19 **CONCLUSION**

20 For the foregoing reasons the Defendant JOSE JIMENEZ-PATINO, respectfully
21 requests that the court grant this motion.

22 DATED: 09/01/08

Respectfully submitted,

23 s/ VICTOR MANUEL TORRES

24 VICTOR MANUEL TORRES

25 Attorney for Mr. Jimenez

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JANIS L. SANMARTINO)**

UNITED STATES OF AMERICA,	)	Case No. 08CR2491-JLS
)	
Plaintiff,	)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
JOSE JIMENEZ-PATINO,)	
)	
Defendant.)	
)	

IT IS HEREBY CERTIFIED:

I, VICTOR MANUEL TORRES, am a citizen of the United States of America over the age of eighteen years. My business address is 406 Ninth Avenue, Suite 311, San Diego, CA 92101.

I am not a party to the above-entitled action. I have caused service of the Defendant's Notice of Motion & Motion and Memorandum of Points & Authorities in Support of Motion on the following party by electronic filing with the Clerk of the Court using its ECF System, which electronically informs the party:

Charlotte E. Kaiser, AUSA

I hereby certify that I have caused to be mailed the foregoing, by the U.S. mail to the following non-ECF participants in this case:

None

at the last known address, at which place there is delivery service of U.S. mail.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2008.

s/ Victor Manuel Torres
VICTOR MANUEL TORRES